

## **2005 DRAFTING REQUEST**

### **Bill**

Received: **10/05/2004**

Received By: **btradewe**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget 6-7973**

By/Representing: **Walker**

This file may be shown to any legislator: **NO**

Drafter: **btradewe**

May Contact:

Addl. Drafters:

Subject: **Environment - miscellaneous**

Extra Copies:

Submit via email: **NO**

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### **Pre Topic:**

DOA:.....Walker, BB0160 -

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### **Topic:**

Authorize DNR to make agreements to accept information electronically

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### **Instructions:**

See Attached

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### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State
/1	btradewe 10/25/2004	wjackson 11/11/2004	pgreensl 11/11/2004	_____	Inorthro 11/11/2004		State
/2	btradewe 01/11/2005	wjackson 01/11/2005	pgreensl 01/12/2005	_____	Inorthro 01/12/2005		

FE Sent For:

**<END>**

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FE Sent For:

1/2 WLj 11/11

1/2  
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1/2 selg  
<END>

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/?	btradewe	1 wj 11/11	11/11 pg	11/11 sets			

FE Sent For:

<END>

## 2003-05 Budget Bill Statutory Language Drafting Request

- Topic: Environmental site register support
- Tracking Code: **BB0160**
- SBO team: Environmental and Commercial Resources
- SBO analyst: William D. Walker *W.D.W. 10/4/04*
  - Phone: 266-7973
  - Email: [william.walker@doa.state.wi.us](mailto:william.walker@doa.state.wi.us)
- Agency acronym: DNR
- Agency number: 370

Provide the department authority to conduct environmental regulatory transactions electronically and charge fees for such transactions. Include applications, renewals, reporting forms, authorization, authentication and other information.

Provide that submittal of information in electronic form is voluntary for a regulated entity. Allow the department to charge fees of a regulated entity for the submittal of electronic information. Allow the department to set fees annually by rule.

Allow the department to establish standards for electronic information including data format, transmission procedures and standards, verification procedures, electronic signatures, and other standards.

(See agency request, attached.)

H/C

2005-07 Statutory Language Proposals

<b>DIVISION:</b>	Enforcement and Science
<b>BUREAU:</b>	Integrated Science Services
<b>ISSUE/TOPIC:</b>	Environmental Site Register (ESR) – Electronic Reporting Support
<b>PROPOSED CHANGE:</b>	<p><b>Cooperative electronic reporting initiative.</b></p> <p>TRADING PARTNER AGREEMENTS. The department may enter into voluntary trading partner agreements with businesses, individuals and other government organizations.<sup>1</sup> These agreements shall allow the exchange of electronic information including, but not limited to applications, renewals, reporting forms and other required information under <del>s.</del> 280, 281, 283, 285, 287, 289, 291, 293, 295, 297 and 299. <sup>chs.</sup></p> <p>ACCEPTANCE OF ELECTRONIC INFORMATION. The department shall accept electronic information received via trading partner agreements in lieu of paper form requirements of rules authorized under s. 280, 281, 283, 285, 287, 289, 291, 293, 295, 297 and 299.</p> <p>ACCEPTANCE OF ELECTRONIC AUTHORIZATION AND AUTHENITICATION. The department shall accept electronic authorization and authentication received via valid trading partner agreements in lieu of paper signature requirements of rules authorized under s. 280, 281, 283, 285, 287, 289, 291, 293, 295, 297 and 299.</p> <p>FEES. The department may collect fees that are designed to recover the costs of administering this section. The fees shall be established annually following input from the regulated community.</p>
<b>EXPLANATORY NOTE:</b>	<p>Statutory Language Change, New Revenue</p> <ol style="list-style-type: none"><li>1. The Department requests statutory authority to collect fees from any regulated entity that chooses voluntarily to establish an account for conducting various types of business electronically. The entire amount of the fees would be used to support activities directly related to the development and maintenance of e-business tools and services. The amount of the fees could be established annually following input from the regulated community.</li><li>2. The Department requests statutory authority to define standards for accepting electronic business in lieu of each specific program's form and signature requirements.</li></ol>
<b>DESIRED EFFECTIVE DATE:</b>	Budget Passage
<b>CONTACT PERSON:</b>	Lance Potter, MB/5, 267-7418; Michael Kvitrud, ISS/WB, 261-8451



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0461/1

RCT:.....

WLJ

(m 10/25)

DOA:.....Walker, BB0160 - Authorize DNR to make agreements to accept information electronically ✓

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION ✓

DNate

1 <sup>DO NOT GEN</sup> AN ACT ...; relating to: the budget. ✓

---

*Analysis by the Legislative Reference Bureau*

**ENVIRONMENT** ✓

**OTHER ENVIRONMENT** ✓

Current law authorizes persons, including government agencies, to agree to use electronic means to conduct transactions. Electronic information satisfies any legal requirement that information exchanged under such an agreement be in writing and an electronic signature satisfies any legal requirement that a record containing that information be signed. Current law also requires DOA to promulgate rules concerning the use of electronic records and electronic signatures by government agencies.

This bill authorizes DNR to charge fees to cover the costs of electronically conducting transactions under the environmental programs administered by DNR.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 20.370 (8) (ig) of the statutes is created to read:

20.370 (8) (ig) *Processing electronic information.* From the general fund, all moneys received under s. 299.19 to be used for processing electronic information.

**SECTION 2.** 299.19 of the statutes is created to read:

**299.19 Processing electronic information.** The department may promulgate rules specifying fees to cover the costs of electronically receiving and providing information under the programs in chs. 280 to 299 through agreements authorizing the electronic receipt and provision of information, as provided in ss. 137.13, 137.15, and 137.25. The department shall consult with persons regulated under chs. 280 to 299 concerning rules under this section.

**(END)**

Done ✓

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0461/1dn

RCT:.....

Wlj

Bill Walker:

DNR requested authority to conduct environmental regulatory transactions electronically and to charge fees for those transactions. 2003 Wisconsin Act 294 enacted the Uniform Electronic Transactions Act (UETA), with some modifications. Act 294 provided broad authority for conducting transactions electronically, as long as the parties agree to do so. See ss. 137.11 (15), 137.12, 137.13 (2), 137.15, and 137.25. ✓ Note that s. 137.25 (2) requires DOA to promulgate rules concerning the use of electronic records and electronic signatures by governmental units. I believe that the formal rule-making process was recently started.

It <sup>seems</sup> ~~seemed~~ to me that, given the provisions in subch. II of ch. 137, <sup>↓</sup> all the draft <sup>needs</sup> ~~needed~~ to do ~~was~~ to authorize DNR to charge fees and to spend the fees.

Please let me know if you have questions or redraft instructions.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: becky.tradewell@legis.state.wi.us



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0461/1dn  
RCT:wlj:pg

November 11, 2004

Bill Walker:

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It seems to me that, given the provisions in subch. II of ch. 137, all the draft needs to do is to authorize DNR to charge fees and to spend the fees.

Please let me know if you have questions or redraft instructions.

Rebecca C. Tradewell  
Managing Attorney  
Phone: (608) 266-7290  
E-mail: becky.tradewell@legis.state.wi.us

## Tradewell, Becky

---

**From:** Walker, William - DOA  
**Sent:** Tuesday, January 11, 2005 2:22 PM  
**To:** Tradewell, Becky  
**Subject:** FW: LRB Draft: 05-0461/1 Authorize DNR to make agreements to accept information electronically



05-0461/1



05-0461/1dn

Would it be difficult to move this to DNR program 3 per Lance's message below?

-----Original Message-----

From: Potter, Lance [mailto:Lance.Potter@dnr.state.wi.us]  
Sent: Wednesday, January 05, 2005 8:53 AM  
To: Walker, William - DOA; Greenslet, Patty  
Cc: Felker-Donsing, Susan; Aten, Thomas M  
Subject: FW: LRB Draft: 05-0461/1 Authorize DNR to make agreements to accept information electronically

DNR program and legal staff agree with most of this statutory language, including the drafter's note from Becky.

Please note: it would be better if this new PR appropriation was created in Program 3; in the proposed language it is placed in Program 8. Integrated Science Services is the program that administers the reporting system and will be collecting the fees to report electronically.

Thanks,

Lance

-----Original Message-----

From: Walker, William - DOA [mailto:William.Walker@doa.state.wi.us]  
Sent: Monday, November 15, 2004 11:03 AM  
To: Potter, Lance  
Subject: FW: LRB Draft: 05-0461/1 Authorize DNR to make agreements to accept information electronically

Please review and especially note Becky's drafting note.

-----Original Message-----

From: Greenslet, Patty [mailto:Patty.Greenslet@legis.state.wi.us]  
Sent: Thursday, November 11, 2004 4:00 PM  
To: Walker, William - DOA  
Cc: Grinde, Kirsten; Hanaman, Cathlene; Haugen, Caroline; Schaeffer, Carole  
Subject: LRB Draft: 05-0461/1 Authorize DNR to make agreements to accept information electronically

Following is the PDF version of draft 05-0461/1.



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-046114 2

RCT:wlj:pg

in 1/11

TODAY

1/11

DOA:.....Walker, BB0160 - Authorize DNR to make agreements to accept information electronically

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

DO NOT GEN

1 AN ACT ...; relating to: the budget.

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**ENVIRONMENT**

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\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4

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5

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6

promulgate rules specifying fees to cover the costs of electronically receiving and

7

providing information under the programs in chs. 280 to 299 through agreements

8

authorizing the electronic receipt and provision of information, as provided in ss.

9

137.13, 137.15, and 137.25. The department shall consult with persons regulated

10

under chs. 280 to 299 concerning rules under this section.

11

(END)



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-0461/2

RCT:wlj:pg

DOA:.....Walker, BB0160 - Authorize DNR to make agreements to accept information electronically

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**(END)**